

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KIM VO,	)
Plaintiff,	)
	) No. 1:19-cv-00084-RAL (Erie)
v.	)
	)
DOC SECRETARY JOHN WETZEL, et al.,	) Richard A. Lanzillo
Defendant.	) United States Magistrate Judge
	)
	) ECF No. 33

**ORDER**

Plaintiff's Motion for Production of Documents/ Discovery (ECF No. 32) is GRANTED in part and DENIED in part.

The motion DENIED to the extent Plaintiff seeks to require the Defendants to produce the materials listed in her motion as "initial disclosures" pursuant to Rule 26 of the Federal Rules of Civil Procedure. Rule 26 requires initial disclosures to be made by the parties, except where exempted by Rule 26(a)(1)(B). FED. R. CIV. P. 26(a)(1)(A). Under Rule 26(a)(1)(B), an action "brought without an attorney by a person in the custody of the United States, a state, or subdivision" is a proceeding exempt from initial disclosures. FED. R. CIV. P. 26(a)(1)(B)(iv); *see also In re Jackson*, 445 Fed. Appx. 586, 588 (3d Cir. 2011) (stating an "action brought pro se by person in federal or state custody is exempt from initial disclosure").

The motion is GRANTED to the extent Plaintiff seeks leave to serve a discovery request upon Defendants in the form of a request for production of documents pursuant to Rule 34 of the Federal Rules of Civil Procedure. Plaintiff is advised, however, that leave of Court is not required to serve interrogatories under Rule 33 or requests for production of documents under

Rule 34. Discovery requests such as these are to be served (mailed) directly to the attorney for the Defendants and need not be filed with the Court unless a dispute arises between Plaintiff and Defendants concerning the discovery request.

Defendants are instructed to treat the documents listed in Plaintiff's motion as a request pursuant to Rule 34 and as having been served upon them as of the entry of this Order. This instruction does not imply that the Court has evaluated the specifics of the request or determined whether any specific request is subject to objection.

So ordered this 9<sup>th</sup> day of October, 2020.



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RICHARD A. LANZILLO  
United States Magistrate Judge